

Remarks

Applicant respectfully submits that entry of this Response is proper as it makes no amendments to the claims.

The Examiner has issued a rejection of independent claims 22 and 68 (and dependent claims 24-25, 42-25, 47-55 and 58-60) under 35 U.S.C. §112. Applicant respectfully requests that the Examiner reconsider this rejection.

The Examiner has noted that, after review of the disclosure, it “does not appear to indicate any input that is indicative of the status of the brake system.” See 7/14/06 Office Action at 6. Applicant respectfully points the Examiner to lines 12-14 of Paragraph 0027, which explains that the input signals may indicate the air pressure.

Applicant further notes that, while the present invention does contemplate that the control of the power supply may be also based on additional pieces of information about the vehicle, it is the information about the compressed air, which is the essential component of a pneumatic brake system, that is most important (regardless of what additional input signals may be utilized). It is this information about the compressed air that actuates and controls the brakes—namely, the air pressure, along with information about the air dryer treating the air, that is most useful and plays a dominant role in controlling the rate of supply of power to the brake system independently of the engine speed.

As noted above, the cited paragraph describes using signal information reflecting air pressure (as well as signal information reflecting voltage, for the non-elected, electrically-based embodiment). Accordingly, Applicant respectfully requests that the Examiner withdraw the §112 rejection.

As explained in Applicant's Response to the prior office action, DE 35 29 743 does not disclose such a system.

Applicant notes that claim 45, which recites that the at least one input comprises an input for receiving information reflecting the air pressure, has been rejected over DE 35 29 743 under 35 U.S.C. §103 in view of Bruehmann. See 7/14/06 Office Action at 5. The Examiner notes that "one of ordinary skill in the art is familiar with the necessity of maintaining adequate air pressure to ensure proper brake operation as well as monitoring temperature to prevent compressor damage." See 7/14/06 Office Action at 6-7. However, even assuming this, Applicant respectfully submits that this does not establish that one skilled in the art would be motivated to use a signal indicating air pressure *to control an intermediate supply device / motor* for controlling the rate of brake power supply independently of the engine speed. Applicant notes that the general notion of maintaining adequate air pressure is different than using information reflecting air pressure to control an intermediate power control system.

Further, Applicant notes that Bruehmann actually teaches away from using a signal indicating air pressure *to control an intermediate supply device / motor* for controlling the rate of brake power supply independently of the engine speed. Bruehmann specifically teaches against employing an intermediary control system in order to isolate the power supply to the compressor from the engine (so as to regulate the power to the compressor independently of the engine speed), as it specifically teaches to instead deal with differences between the power supplied by the engine and the desired amount of air compression by regularly compressing air at full speed, and either diverting the unneeded air to a relief point or switching off or uncoupling the coupling. See Col. 3, Ins. 20-30. Applicant respectfully notes that its explanation of how this reference teaches away from the noted modification has not been addressed. Applicant respectfully points out that the cited reference must be considered as a whole, including portions that teach away from the claimed invention. *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983).

For these reasons, Applicant respectfully requests that the Examiner also withdraw the prior art rejections.

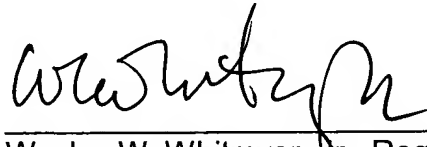
Applicant submits that, for the reasons set forth above, generic claim 22 is allowable, and thus, withdrawn claims 23, 46, and 61-67 are also allowable.

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It is respectfully submitted that claims 22-25, 42-55 and 58-68, all of the claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,

September 11, 2006



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